

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 700 – Arrest, Detention and Use of Force	
	Directive: 710.01 – Use of Force	
Authorized by: Chief Joe Binns		Effective Date: July 6, 2021
CALEA Standards: 1.2.10, 4.1.1; 4.1.2; 4.1.3; 4.1.4; 4.1.5; 4.2.1; 4.2.2; 4.2.3; 4.2.4; 4.2.5; 4.3.3; and 4.3.4, 11.3.4 (6th Edition)		

710.1.1 – Policy

It shall be the policy of the Garner Police Department that officers will use only the force necessary to protect life and affect lawful objectives.

710.1.2 - Purpose

This directive serves as a guideline for the use of force and reporting of force used by sworn officers of the Garner Police Department. The content of this directive is for agency use only and does not apply in any criminal or civil proceedings. This directive will not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for agency administrative sanctions. Violations of law will be the basis for civil and criminal sanctions in recognized judicial settings.

710.1.3 – Definitions (4.1.2)

- A. Deadly Force - Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. Less-Lethal Force – Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.
- C. De-escalation – Taking action or communicating verbally or non-verbally that occurs:
 - 1. During a potential force encounter in an attempt to stabilize the situation, and
 - 2. Reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.
 - 3. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- D. Objectively Reasonable – The determination that the necessity for using force and the level of force used is based upon the officers' evaluation of the situation in light of the totality of circumstances known to the officer at the time force is used and what a reasonably prudent officer would use under the same or similar circumstances.
- E. Serious Bodily Injury - Injury that:
 - 1. Creates a substantial risk of death, *or*
 - 2. Causes or is likely to cause serious, permanent disfigurement, *or*

3. Results in or is likely to result in the long-term loss or impairment of any bodily member or organ.
- F. Exigent Circumstances – Those circumstance that would cause a reasonable officer to believe that a particular action is necessary:
1. To prevent physical harm to an individual, or
 2. The destruction of relevant evidence, or
 3. The escape of a suspect, or
 4. Some other consequence improperly frustrating legitimate law enforcement efforts.
- G. Display of Weapon – The display of a firearm, Taser, and/or baton to obtain the cooperation of a subject or subjects.

710.1.4 – Laws (4.1.2)

The following case and statutory laws govern all aspects of this policy listed herein.

A. [Graham vs. Connor - 490 U.S. 386, \(1989\)](#)

Officer's actions are to be "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Reasonableness is judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

B. [Tennessee V. Garner - 471 U.S. 1 \(1985\)](#)

The Supreme Court ruled that deadly force may not be used unless necessary to prevent the escape of a fleeing felon and the officer has probable cause to believe that the suspect poses a significant threat of death or serious injury to the officers or others.

C. [North Carolina General Statute §15A-401\(d\)](#)

1. Subject to the provisions of subdivision (2), a law enforcement officer is justified in using force upon another person when and to the extent he/she believes it is reasonably necessary:
 - a. To prevent the escape from custody or to effect an arrest of a person who the officer reasonably believes has committed a criminal offense, unless he knows that the arrest is unauthorized; or
 - b. To defend himself or a third person from what the officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape;
2. A law enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:
 - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

- b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
 - c. To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.
- D. Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

710.1.5 – When and How Force May Be Used (1.2.10, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.6, 4.1.7)

A. General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person or prevent property damage. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. All employees of the department have a duty to intervene within their scope of authority and training to prevent, stop, and/or report the use of excessive force by another employee or public safety associate. Employees have a duty to report the excessive use of force or any violation of departmental policy, state, or federal law, or local ordinance by another agency employee or public safety associate as soon as possible.
5. All uses of force shall be documented and investigated.

B. De-escalation

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

C. Use of Less-Lethal Force

When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment:

1. To protect the officer or others from immediate physical harm,
2. To restrain or subdue an individual who is actively resisting or evading arrest, or
3. To bring an unlawful situation safely and effectively under control.

D. Use of Deadly Force

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
 - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.
 - b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
 - c. To prevent the escape of a person from custody imposed upon him as a result of conviction of a felony.
2. Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.
3. Deadly Force should not be used against persons whose actions are a threat only to themselves or property.
4. Firearms shall not be discharged at a moving vehicle unless:
 - a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - b. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
5. Firearms shall not be discharged from a moving vehicle except under exigent circumstances. In these situations, an officer must have an articulable reason for the use of deadly force.
6. Officers are not permitted to use warning shots.
7. Choke holds or other vascular neck restraints are prohibited unless deadly force is authorized.
8. Additional information on firearms authorization and use is included in [GPD directive 710.2, *Weapons Authorization and Use*](#)
9. Use of force policy, including use of deadly force, will be reviewed annually during in-service training.

710.1.6 – Use of Force Options (4.1.4)

While performing official duties, officers are authorized under laws described herein to use any level of force reasonably necessary to overcome unlawful resistance, to apprehend, to restrain, to prevent escape, or to stop an attack (defend another person).

A. Conducted Electrical Weapon (Taser)

1. The Taser will be used under the following guidelines and in accordance with departmental training:
 - a. Use of a Taser is only justified if the officer believes the subject(s) presents a risk of immediate danger that could be mitigated by the use of the Taser. A Taser should not be used in situations where individuals are non-compliant or resistant unless the non-compliance or resistance creates a risk of immediate danger that can be mitigated by use of the Taser.
 - b. The recommended aiming areas are lower center mass of the front of the subject and below the neck of the back of the subject. The headface, neck, and genitals will not be targeted when attempting to control non-lethal force.
 - c. Once deployed the officer shall allow the full five (5)-second cycle to end uninterrupted. Additional cycles may be applied to gain control if necessary but should not exceed three (3) cycles.
 - d. Officers should when possible, announce the use of a Taser to other officers in close proximity by saying the word "Taser".
 - e. Officers shall take physical control of the subject as soon as possible to avoid the need for repeated or extended Taser cycles.
 - f. Officers shall use caution on persons running, wet or standing in water, near flammable materials, on elevated platforms, or other areas where it is likely a fall may cause serious injury.
2. The Taser may be utilized to drive stun in lieu of or in combination with deploying the probes:
 - a. Drive stun contact may be made with or without the cartridge in place.
 - b. Drive stun contact should not be made as a primary response option and should not be used for the purpose of pain compliance.
 - c. Drive stun contact may be used as a means of repelling an attack and/or gaining separation from an attacker.
 - d. Drive stun contact may be used to connect the circuit when the probe spread was insufficient, when the cartridge has failed, or when the officer feels such use would allow separation from the suspect for officer safety purposes.
 - e. Drive stun contact can be made to most areas of the body but is most effective on large muscle / tissue areas such as the lower stomach, back and buttocks.
 - f. Drive stun contact should not be made to the face, neck, or genitals unless the use of deadly force is authorized.
3. Removal of Taser probes
 - a. Officers may remove probes embedded in skin; however, probes may not be removed if they are embedded in the eye, genitalia or fully embedded under the skin.
 - b. Probes may be removed by an officer using the following guidelines:

- 1) Use protective / disposable gloves and other universal precautions to prevent exposure to blood borne pathogens.
 - 2) Secure the skin area by placing a thumb and finger directly around the probe.
 - 3) Using counter pressure with one hand, remove probe with the other hand by pulling it outward at a 90-degree angle from the impact area.
 - 4) Once removed, inspect and collect the probes for evidence.
 - 5) Have EMS evaluate the probe injury site for treatment, if necessary ([Wake County EMS protocol](#) does not allow for the removal of probes by EMS staff).
4. After deployment of the Taser, the device's data will be downloaded and stored by the Administration Captain in accordance with [GPD directive 430.02 – Use of Recording Devices](#).

B. Collapsible Baton

1. The collapsible baton may be used to control an individual or as an impact weapon. Either method may produce injuries.
2. The baton will be used under the following guidelines and in accordance with departmental training:
 - a. Officers may use the baton to strike large muscle areas and the extremities.
 - b. Officers may use the baton to manipulate joints, apply arm bar techniques, or apply other similar tactics.
 - c. Strikes to the extremities may temporarily immobilize or limit the use of the extremity. Officers should be aware that this may cause a person to be unable to comply with a request to move a limb. This inability to comply should not be viewed as further resistance.
 - d. Officers should not strike the head or neck unless the use of deadly force is authorized.

C. Impact Munitions

1. Impact munitions may be used in the following circumstances and in accordance with department policy and training:
 - a. To disperse unruly, violent, unlawful, or otherwise disobedient crowds.
 - b. To incapacitate persons with weapons who illustrate no imminent threat of death or serious injury to others as reasonably believed by officers on the scene. Time, surroundings, distance, and the ability to contain the threat are all factors that should be considered in these circumstances.
 - c. To incapacitate persons who by actions, behaviors, or appearances alone, pose a threat to safety if approached. Size, behavior, mental state, drugs, and alcohol influence are all factors that should be considered in these circumstances.
 - d. To incapacitate persons who are attempting or threatening suicide or self-inflicted injury but are not yet an imminent threat to others as reasonably believed by officers on the scene.
 - e. When time is of the essence and any failure to act could result in further injury or death.

2. Officers deploying impact munitions should have a lethal cover officer nearby ready to use lethal force if necessary.

710.1.7 – Prisoner Management

Officers will ensure that all suspects in their custody are cared for. Refer to [GPD directive 710.4, Prisoner Custody Responsibilities](#), for prisoner custody and transportation procedures.

710.1.8 – Officer Responsibilities in Use of Force Incidents (4.1.5, 4.2.1)

A. The following actions by an officer will be defined as a reportable use of force incident:

1. Any force that is applied to overcome physical resistance by a suspect.
2. Any action that causes an injury and/or a complaint of injury or pain to an officer or any other person or results in EMS being requested for a suspect or officer.
3. Any action that results in property damage to non-department owned property.
4. Physical strike(s) of a suspect or a strike(s) of a suspect with any other object.
5. The use of a baton to make physical contact (a strike or other physical manipulation) with a suspect.
6. The release of a police canine for the purpose of apprehending a suspect.
7. The discharge of a firearm (with lethal or less lethal ammunition) or Taser for any lawful purpose other than training.
8. The intentional displaying of a firearm (with lethal or less lethal ammunition) or Taser towards a person; and/or
9. The intentional drawing, extension, and display of a baton.

B. Any officer who uses force as defined above must:

1. Contact the on-duty supervisor as soon as is practical (and prior to leaving the incident scene) to make them aware of the use of force incident.
2. Make a reasonable effort to keep any witnesses at the scene and any evidentiary material intact while awaiting the arrival of the on-duty supervisor.
3. Follow procedures to request [EMS](#) through radio communications to respond to the scene if any of the following criteria are met:
 - a. A subject involved in the use of force requests EMS assistance.
 - b. A subject involved in the use of force has an apparent injury or complains of pain (unless the subject refuses medical treatment and the injury does not appear life threatening and does not involve a risk of contamination by body fluids – the refusal must be documented by responding supervisor);
 - c. The officer utilized a baton strike, impact munitions, and/or Taser.

- d. When obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious.

Note: Officers must render appropriate medical aid as quickly as reasonable possible following any action that results in injury. This aid should be given after they have control of the situation and all reasonable safety precautions have been taken.

- 4. Complete a [Use of Force Report \(GPD form 710.1-A\)](#) or [Use of Force by Displaying a Weapon \(GPD form 710.1-B\)](#) to document the justification for and the circumstances surrounding the use of force incident.
 - a. Officers are required to complete the form as a factual account of the actions by the suspect(s) justifying the force used as well as the type and amount of force used by the officer.
 - b. Officers should be allowed a period of time to recover mentally and physically prior to being required to complete the *Use of Force Report*, especially if the use of force resulted in serious physical injury or death.
 - c. The *Use of Force Report* is to be completed prior to the employee's shift ending unless the employee is unable to do so due to injury or the supervisor grants an extension due to extenuating circumstances.
- C. Any officer who witnesses a use of force by another Department employee but who does not use force him/herself will:
 - 1. Assist the involved officer(s) with managing the prisoner(s), identifying witnesses, and keeping evidentiary material intact while awaiting the arrival of the on-duty supervisor.
 - 2. Provide a statement to the on-duty supervisor as to their actions and any actions by the involved officer(s) and/or the suspect(s) that they witnessed. A witness officer will be required to provide a written statement.
- D. Any officer who witnesses a use of force by an employee of another law enforcement agency, by a private security officer, or by any other citizen but who does not use force him/herself will document their observations in writing. The statement should be sent to their immediate supervisor.

710.1.9 – Supervisory Responsibilities in Use of Force Incidents (excluding Displaying a Weapon Incidents) (4.1.5, 4.2.2)

- A. A supervisor investigating a use of force incident (other than an intentional pointing) will:
 - 1. Respond to the scene as soon as practical.
 - 2. Follow procedures to request [EMS](#) through radio communications if they are required and have not already been notified.
 - 3. Evaluate the physical and emotional state of the officer(s) involved and determine if they are fit to continue with the arrest process. If the officer is deemed to need relief, the supervisor will assign another officer to complete the arrest process.
 - 4. Speak with the involved officer(s) to get a basic overview of the use of force incident in order to address any exigent circumstances and to guide the on-scene investigation.
- f. Any involved officer(s) and any witness officers will be required to provide basic incident details relevant to clarifying if there are any exigent circumstances such as injured persons,

suspects who have fled, what direction shots were fired in, the location of weapons, and/or other similar details related to immediate public safety and/or evidentiary issues.

- g. Any such statement is not subject to Garrity warnings; the Supreme Court has ruled that a supervisor questioning officers on the scene of a use of force with no implied threat of job loss does not require Garrity protections ([United States v. Camacho](#)).
5. Collect any evidence from the scene, including:
- a. Photographs of the following:
 - 1) The location where the use of force occurred (the incident scene);
 - 2) A full body view of the suspect(s);
 - 3) Any known or alleged injuries to a suspect;
 - 4) A full body view of the involved officer(s);
 - 5) Any known or suspected injuries to an officer;
 - 6) Any damage to property (including Department equipment);
 - 7) Any other evidentiary items (prior to collection).
 - b. Cartridge, probes, and wires from a Taser when the probes made contact with the suspect or the suspect's clothing;
 - c. Civilian witness statements (to include those civilians who were on scene but state they did not witness the incident); and/or
 - d. Available video, including cell phone footage, in-car camera footage, body camera footage, and/or any surveillance footage.
 - e. Spent impact munitions or samples when multiple projectiles were delivered and are scattered about a scene.
6. Notify the involved employee's Division Lieutenant; notification may be made the next business day unless extenuating circumstances justify immediate notification.
- B. If the supervisor investigating the use of force incident determines that the use of force has resulted in serious physical injury or death, the supervisor will follow the protocol outlined in section [710.1.11 – Use of Force Resulting in Serious Injury or Death](#).
- C. If the supervisor investigating the use of force incident determines that the use of force has involved shots fired by an officer where no one is struck, the supervisor will follow the protocol outlined in section [710.1.12 – Use of Force – Officer Involved Shooting](#).
- D. Once the supervisor has completed the on-scene investigation they will:
- 1. Take statements from any witness officers who were on scene but did not use force. Statements from witness officers will be documented in writing by the officer(s).
 - 2. Review the *Use of Force Report(s)* submitted by the involved officer(s) for accuracy and completeness.

3. Complete an investigative summary of the event utilizing the [Use of Force Supervisory Investigation \(GPD form 710.1-C\)](#). The investigative summary will include the following:
 - a. The supervisor's summary of the incident details based on his/her investigation;
 - b. Summaries of statements from the involved officer(s), witness officer(s), the suspect(s), and any civilian witnesses;
 - c. A description of any noteworthy evidence;
 - d. An explanation of any deviation from policy;
 - e. Any recommendation for disciplinary action (including remedial training) against the involved officer(s); and
 - f. Any known or suspected liability incurred by the Department stemming from the use of force incident.
- E. The completed use of force investigation will be sent up the chain-of-command through the employee's Division Lieutenant, the Operations Captain (even if the employee is in the Administration Bureau), and the Chief of Police before being forwarded to the Administration Captain for filing.
 1. The completed investigation shall include the following:
 - a. All completed Use of Force Forms;
 - b. The supervisor's investigative summary;
 - c. Originals of any written witness statements;
 - d. Copies of all incident reports from the incident;
 - e. Copies of any arrest paperwork;
 - f. Photos, audio files, and/or video.
 2. Each supervisor in the chain-of-command is responsible for reviewing and approving the use of force investigation.
 3. The Administration Captain will review but will not approve or disapprove the use of force.

(Note – additional details regarding the supervisory investigation of a use of force incident can be found in the Department's [Internal Affairs Manual](#)).

710.1.10 – Supervisory Responsibilities in Use of Force by Displaying a Weapon (4.2.2, 4.2.3)

- A. A supervisor investigating a use of force by Displaying a Weapon incident will:
 1. Evaluate whether an on-scene response is necessary. Supervisors are not required to respond to the scene for the displaying of a baton, firearm, or Taser. Supervisors are encouraged to respond to the scene if any of the following circumstances exist:
 - a. The displaying of the weapon involves one or more juveniles;
 - b. The employee believes the incident is likely to generate a complaint;

- c. The displaying of the weapon involves an elected official, another public safety employee, or other person that may generate interest from the media and/or Town officials;
 - d. The employee requests the supervisor;
 - e. Any other circumstances where the officer or supervisor believes a supervisor response would be beneficial.
2. Speak with the involved officer(s) to get a basic overview of the displaying a weapon incident.
 3. Speak with any witness officers to verify the basic details of the incident (officer statements are not necessary in display a weapon incidents).
 4. Notify the involved employee's Division Lieutenant of the use of force by a displaying a weapon incident. If the incident occurs during normal business hours, the Lieutenant should be notified prior to the end of that business day. If the incident occurs after hours or at a time when the Lieutenant is not at work, this notification may be made the next business day.
- B. Once the supervisor has completed the on-scene investigation they will:
1. Ensure that any officer who intentionally displays a baton, firearm, or Taser completes a Department [Use of Force by Displaying a Weapon Report form \(GPD 710.1-B\)](#). It is critical that the report be accurate in documenting the intentional pointing on the front of the report and that the officer narrative on the back provides an accurate description of the suspect's actions that resulted in (i.e. justified) the use of force by intentional pointing by the officer.
 2. Review each *Use of Force Report(s)* for accuracy and completeness. Each individual report should be an accurate depiction of the reporting officer's involvement in the use of force by intentional pointing incident.
- C. The completed [Use of Force by Displaying a Weapon Report form \(GPD 710.1-B\)](#) is to be forwarded to the involved employee's Division Lieutenant for review and approval. No investigative summary is necessary; however, any comments or narrative offered by the investigating supervisor may be included in the "Notes" section of the Administrative Investigations Management (AIM) software.

(Note – additional details regarding the supervisory investigation of a use of force by displaying a weapon incident can be found in the Department's [Internal Affairs Manual](#)).

710.1.11 – Supervisory Responsibilities in Use of Force Resulting in Serious Physical Injury or Death (4.2.3, 11.3.4)

- A. In the event a supervisor determines that a serious injury or death has resulted from a use of force, he or she will:
1. Immediately respond and secure the scene, all witnesses, and any known evidence;
 2. Address exigent circumstances;
 3. Immediately notify the Watch Commander; and
 4. Assign another officer (another supervisor if one is available) to escort the officer(s) involved in the use of force incident until the involved officer is released from duty.
- B. The Command Staff response will be as follows:

1. The Watch Commander will respond to the scene to coordinate with the on-scene supervisor and will make immediate notification to the Operations Captain.
 2. The Operations Captain will respond to the scene and will notify the Chief of Police. The Operations Captain (or a designee) will serve as the Public Information Officer (PIO) and will coordinate all information releases with CCBI, the District Attorney's Office, the SBI, the Chief of Police, and any other involved law enforcement agencies.
 3. The Chief of Police will respond to the scene and will notify the Administration Captain, the Town Manager, and (if appropriate) the District Attorney.
 4. The Administration Captain will respond to the scene to determine the known facts of the incident and to make a recommendation to the Chief of Police as to how to proceed.
- C. In the case of an officer-involved shooting incident, the Chief of Police will contact the State Bureau of Investigation (SBI) to conduct a criminal investigation of the incident. In the case of a non-shooting incident that results in serious injury or death, it is at the discretion of the Chief of Police as to whether to have the SBI conduct a criminal investigation of the incident.
- D. The criminal investigation of the suspect's actions that precipitated the use of force will normally be conducted by personnel appointed by the Chief of Police.
- E. A sworn employee whose use of force results in death or serious injury will:
1. Be relieved from the line of duty through either Modified Duty or Emergency Relief from Duty pending an administrative review as outlined in [GPD Directive 320.1, Complaint Investigation](#);
 2. Report for mandatory counseling to a mental health professional selected by the Department. The counseling is mandatory to ensure that the involved officer(s) receives timely assistance.
- F. A civilian employee whose use of force results in death or serious injury will:
1. Be relieved from the line of duty assignment in accordance with the [Town of Garner Policy Manual](#);
 2. Report for mandatory counseling to a mental health professional selected by the department. The counseling is mandatory to ensure that the involved employee(s) receives timely assistance.

(Note – additional details regarding the supervisory investigation of a use of force by intentional pointing incident can be found in the Department's [Internal Affairs Manual](#)).

710.1.12 – Supervisory Responsibilities in Use of Force – Officer Involved Shooting (No One Struck) (4.2.3)

- A. In the event a supervisor determines that an officer has been involved in a shooting incident where no one is struck, he or she will:
1. Immediately respond and secure the scene, all witnesses and any known evidence;
 2. Address exigent circumstances;
 3. Immediately notify the Watch Commander; and
 4. Assign another officer (another supervisor if one is available) to escort the officer involved in the shooting until the involved officer is released from duty.

- B. The Command Staff response will be as follows:
1. The Watch Commander will respond to the scene to coordinate with the on-scene supervisor and will make immediate notification to the Operations Captain.
 2. The Operations Captain will respond to the scene and will notify the Chief of Police.
 3. The Chief of Police will respond to the scene and will notify the Administration Captain and, when sufficient information is available, the Town Manager.
 4. The Administration Captain will respond to the scene to determine the known facts of the incident and to make a recommendation to the Chief of Police as to how to proceed.
- C. The Chief of Police will not normally initiate a criminal investigation for an officer involved shooting with no one struck unless there are unique circumstances that warrant such action. If a criminal investigation is warranted, it is at the discretion of the Chief of Police as to whether to request the SBI to conduct the investigation or to assign an internal investigator.
- D. The criminal investigation of the suspect's actions that precipitated the use of force will normally be conducted by personnel appointed by the Chief of Police.
- E. An employee who is involved in a line-of-duty shooting incident where no one is struck will:
1. Have their duty status evaluated by the Chief of Police based on the specific circumstances of the incident. The involved officer can be left on Active Duty, placed on Modified Duty, or placed on Emergency Relief from Duty
 2. Be given the opportunity to attend counseling with a mental health professional selected by the department. The counseling is intended to ensure that the involved officer(s) receives timely assistance if needed or desired.

(Note – additional details regarding the supervisory investigation of a use of force by intentional pointing incident can be found in the Department's [Internal Affairs Manual](#)).

710.1.13 – Training and Analysis (1.2.10, 4.2.4, 4.2.5, 4.3.2, 4.3.3, 4.3.4, 11.3.4)

- A. All officers will be required to complete initial use of force training upon hire and then annual use of force training thereafter.
1. Use of force training will include both classroom and practical instruction.
 2. Officers must receive all use of force policies and related curriculum before being authorized to carry a weapon. Policy receipt and curriculum delivery must be documented.
 3. Proficiency training must be monitored by a certified weapons or tactics instructor.
 4. Training in proficiency must be documented.
 5. Officers failing to meet any set standard of proficiency will be required to attend remedial training prior to resuming official duties.
- B. All supervisors will receive training at least bi-annually on the supervisor responsibilities for managing use of force incidents that result in serious physical injury or death.

- C. All sworn personnel will receive awareness training at least bi-annually regarding Department procedures for use of force incidents that result in serious physical injury or death. This will normally be done through roll call training.
- D. All civilian employees will be required to receive use of force awareness training upon hire and then bi-annually thereafter. This training will cover Department procedures for use of force incidents that result in serious physical injury or death. It will also identify situations and policy violations that would constitute the expectation of intervention and reporting.
- E. The Administration Captain will compile an annual analysis on the Department's use of force activities, policies and practices. This analysis shall address the following items:
 - 1. Date and time of incidents;
 - 2. Types of encounters resulting in use of force;
 - 3. Trends or patterns related to race, age, and gender of subjects involved;
 - 4. Trends or patterns resulting in injury to any person including employees; and
 - 5. Impact of findings on policies, practices, equipment, and training.
- F. The Administration Captain will conduct an annual review of all assaults that were inflicted upon a sworn officer to determine if any trends or patterns exist. As part of this review, recommendations will be made where necessary to enhance officer safety, revise policy, or address identified training issues.